

REMARKS

Claims 1-4 are pending in the application. Claims 1-4 stand rejected in the referenced office action. The Specification has been objected to. In addition, the drawings filed on December 2, 2005 have been objected to by the Examiner. Claims 1-4, the drawings and the specification have been amended. No new matter has been added.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because reference numeral 16 found in Fig. 1 lacks explanation in the specification.

Please find the attached substitute sheet with the numeral 16 removed. Accordingly, Applicant requests withdrawal of the objections to the drawings.

Specification

Examiner objected to the specification for not using the proper language and format for an abstract of the disclosure.

Please replace the original abstract with the following paragraph:

In an aspect, a portable breathing apparatus is provided that includes a face mask having a breathing valve, a blower for the supply of breathing air to the breathing valve via a supply line, a filter device for cleaning of the breathing air from the blower, and a compressed-air reservoir for alternative supply of breathing air to the breathing valve. In addition, the breathing valve is a demand valve configured to supply pressure equal to or above an ambient pressure, a check-valve is arranged on the upstream side of the blower, and the compressed-air reservoir is provided with a pressure control valve for establishing an overpressure above the ambient pressure in the entire breathing system, wherein the pressure control valve is upstream of the breathing valve and downstream of the check valve, so that gas or liquid cannot penetrate into the system when breathing gas is supplied from the compressed-air reservoir.

Information Disclosure Statement

The information disclosure statement failed to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because copies of foreign references translated into the English language were not provided.

Please find a translated copy of the foreign references attached.

Claim Rejections - 35 USC § 112

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended the claims as set forth above. In view of these amendments, Applicant respectfully requested withdrawal of the rejection under section 112, second paragraph.

Claim Rejections - 35 USC § 103

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Botos et al. (4,031,887, hereinafter "Botos") in view of Hill et al. (6,629,525, hereinafter "Hill"). Claim 1 is independent.

The cited art fails to teach or suggest each element of amended claim 1. For example, Botos does not disclose

A portable breathing apparatus comprising a face mask having a demand valve, a blower for the supply of breathing air from an external ambient source . . . and a compressed-air reservoir for alternative supply of breathing air to the demand valve, wherein the demand valve is configured to supply pressure equal to or above an ambient pressure, a check valve is arranged on the upstream side of the blower, and the compressed-air reservoir is provided with a pressure control valve for establishing an overpressure above the ambient pressure in the entire breathing system. (Emphasis added.)

In contrast, Botos discloses a breathing apparatus that is used under water or in noxious environments, wherein the apparatus uses a dosing bottle to provide pressurized gas – not a filter to provide ambient air to the user, as recited in amended claim 1. *See* Botos, column 1, lines 11-16.

Hill is cited for providing an apparatus for a blower. Thus, Hill fails to cure Botos' deficiencies.

Therefore, the cited art fails to teach or suggest each element of amended independent claim 1. Accordingly, Applicant submits that claim 1 is not obvious over Botos in view of Hill.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Botos and Hill, in view of Wallen (6,035,851, hereinafter "Wallen"). Claims 2-4 depend from amended claim 1.

Wallen is cited for teaching parallel filter units. Thus, Wallen fails to cure the deficiencies of Botos and Hill.

Therefore, dependent claims 2-4 are patentable for at least the reasons provided above with respect to amended independent claim 1. Accordingly, Applicant submits that claims 2-4 are not obvious over the cited references.

CONCLUSION

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. The Commissioner is hereby authorized to charge the 3-month extension of time fee (\$555.00 (small entity)), and also charge any additional fees or credit any overpayment to Deposit Account No. 13-0010 (TAN-1001US).

Respectfully submitted,

Dated: November 12, 2009

/Paul S. Madan/
Paul S. Madan
Registration No. 33,011
Gunnar R. Heinisch
Registration No. 62,227
Madan & Sriram, P.C.
2603 Augusta Drive, Suite 700
Houston, Texas 77057-5662
Telephone: (713) 266-1130
Facsimile: (713) 266-8510